IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.558 OF 2006

Mr. Ravikant S. Patil. ..Petitioner.
Vs.
State of Maharashtra. ..Respondent.

Mr.S.M.Sabrad for the Petitioner.

Mr.A.S.Shitole, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 24/3/2006.

P.C.

1. Leave to amend to add prayer clause as per draft amendment submitted today. Amendment to be carried out forthwith.

2. Heard both sides. Rule. By consent, rule made returnable forthwith.

3. This is a petition impugning an order rejecting application for return of property which are gold ornaments. The petitioner was an accused in the trial under Section- 147,148,149, 323,342,366,375,452,386,504,506 read with 511 of the I.P.C. and Section 3 read with Section 25(1) of the Arms Act. In Sessions Case No.203/1999, by judgment and order dated 28.7.2000, the petitioner was convicted

for various offences charged against him. The maximum sentence was of seven years for offence under Section 376(1) of the I.P.C. Even though the applicant was convicted, the trial court directed that the ornaments which were Article Nos. 1 to 11 be returned to the petitioner after the appeal period was over.

4. The applicant had preferred Criminal Appeal No.658 of 2000 in this court and by judgment and order dated 10.9.2004 his appeal came to be allowed by acquitting him from all the charges levelled against him. It appears that S.L.P. has been filed in the Apex Court and leave has been granted. In the mean while, the petitioner has preferred an application in the trial court for return of the gold ornaments Articles 1 to 11 but by order dated 24.2.2006, the said application was rejected on the ground that the Special Leave Petition was pending before the Apex Court.

5. In the circumstances, taking into account that even upon the conviction there was direction of return of property i.e. gold ornaments and the fact that a statement is made by the A.P.P. that State has no objection for return of gold ornaments, rule is made absolute in terms of prayer clause (b) and (bb). Ornaments will be returned back to the petitioner on

the condition that the petitioner will furnish an undertaking to the trial court that he will not convert or sell the same and will produce the same as and when called by the Apex Court. The ornaments in question also to be photographed before they are returned to the present petitioner at the costs of the petitioner. The photographs of the ornaments be kept on record. Petition is disposed of accordingly.

(R. S. MOHITAE, J.)